

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

V.

MICHEAL MITCHELL (2)

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§

**Civil Action No. 4:06cr55
(Judge Schneider)**

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The undersigned conducted a hearing on Kathleen E. Mitchell's Motion to Adjudicate Validity of Alleged Interest in Property (Dkt. No. 71). The Court finds that although Kathleen Mitchell had no reasonable cause to believe the property was subject to forfeiture, it is clear that she is not a bona fide purchaser for value in that she paid ten dollars (\$10.00) for a piece of property that is worth substantially more.

Recommendation

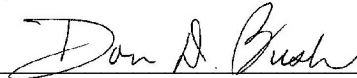
It is the Court's recommendation that Kathleen E. Mitchell's claim to the real property described as 323 CR 2183, Gainesville, Cooke County, Texas, should be **DENIED**.

Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings and recommendations and from appellate review of factual

findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. *Thomas v. Arn*, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).

SIGNED this 18th day of April, 2007.

A handwritten signature in cursive script, reading "Don D. Bush", written in black ink.

DON D. BUSH
UNITED STATES MAGISTRATE JUDGE